

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tahira Delaine	Team: Team # 6	CCRB Case #: 200409779	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/03/2004 4:01 AM	Location of Incident: F/O § 87(2)(b)	Precinct: 115	18 Mo. SOL 4/3/2006	EO SOL 4/3/2006	
Date/Time CV Reported Mon, 10/04/2004 3:34 AM	CV Reported At: Precinct	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/04/2004 3:34 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Sean Downes	29467	918975	NAR DIV

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Timothy Erwig	29677	919006	NAR DIV

Officer(s)	Allegation	Investigator Recommendation
A.POM Sean Downes	Force: PO Sean Downes tightly handcuffed § 87(2)(b)	
B.POM Sean Downes	Discourtesy: PO Sean Downes spoke rudely to § 87(2)(b)	
C.POM Sean Downes	Force: PO Sean Downes used physical force against § 87(2)(b)	

### Synopsis

On October 4, 2004, § 87(2)(b) filed a complaint at the 115<sup>th</sup> Precinct. § 87(2)(b)'s complaint was sent to Internal Affairs, who sent it to the CCRB. On October 3, 2004 at approximately 4:01 AM, § 87(2)(b) was working security at an unspecified bar located at § 87(2)(b), Queens, when an unidentified drunken male was discharged from the bar. The unidentified drunken male fell on § 87(2)(b). § 87(2)(b) pushed the drunken male causing him to fall and hit his head on a parked vehicle. A few minute later Officer Downes and six to ten officers responded to the scene. Officer Downes allegedly grabbed § 87(2)(b) pushed his neck against a wall and stated to him that he was under arrest "motherfucker." Officer Downes allegedly used other unspecified profanities. Officer Downes tightly placed handcuffs on § 87(2)(b) and pushed him to the ground. § 87(2)(b) told Officer Downes that his handcuffs were tight and Officer Downes allegedly squeezed the handcuffs and asked § 87(2)(b) if he liked them like that. § 87(2)(b) was placed in an RMP and transported to the precinct.

On October 6, 2004, the investigator attempted to contact § 87(2)(b). § 87(2)(b) was unavailable. The investigator left a message asking to be contacted. On October 8, 2004, § 87(2)(b) left a message for the investigator asking to be contacted. On the same date, the investigator attempted to contact § 87(2)(b). § 87(2)(b) was unavailable. The investigator left a message asking to be contacted. On October 18, 2004, the investigator received two messages from § 87(2)(b) asking to be contacted. On October 20, 2004, the investigator contacted § 87(2)(b) and received a summary of the incident. § 87(2)(b) scheduled an appointment for October 29, 2004 at 5:30 PM. An email was sent to § 87(2)(b) to confirm his appointment. On October 21, 2004, the investigator received an email from § 87(2)(b) canceling his appointment for October 29, 2004 and rescheduling an appointment for November 5, 2004 at 5:30 PM. On November 4, 2004, the investigator contacted § 87(2)(b) to confirm his appointment on November 5, 2004. § 87(2)(b) confirmed his appointment and asked the investigator to send him an email with the agency's address. The investigator sent § 87(2)(b) an email providing the agency's address. On November 5, 2004, § 87(2)(b) contacted the investigator and canceled his appointment. He scheduled an appointment for November 12, 2004 at 5:30 PM. On November 12, 2004, § 87(2)(b) missed his appointment. A missed appointment letter was subsequently sent to § 87(2)(b). On November 30, 2004, the investigator attempted to contact § 87(2)(b). § 87(2)(b) was unavailable. The investigator left a message asking to be contacted. At this time, the investigator sent § 87(2)(b) a final contact letter.

§ 87(2)(g)  
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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: